

Absent—Excused.

Adkins. West of Cameron.
Morse.

Question then recurring on the motion by Mr. Albritton to recess to 8:30 o'clock a. m. tomorrow, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—48.

Albritton.	Johnson
Alsup.	of Dallam.
Baker.	Johnson
Barron.	of Dimmit.
Beck.	Johnson of Morris.
Bond.	Lee.
Bryant.	Lemens.
Carpenter.	Lilley.
Caven.	McCombs.
Claunch.	McDougald.
Dale.	McGregor.
Engelhard.	Moffett.
Finn.	Petsch.
Fisher.	Rogers.
Forbes.	Rountree.
Ford.	Savage.
Fuchs.	Scott.
Giles.	Sherrill.
Goodman.	Smith of Wood.
Graves.	Steward.
Hanson.	Tarwater.
Herzik.	Turner.
Holloway.	Walker.
Hoskins.	Warwick.
Jones of Shelby.	Young.

Nays—72.

Adams of Harris.	Harman.
Adams of Jasper.	Harrison
Adamson.	of El Paso.
Akin.	Harrison
Anderson.	of Walker.
Bedford.	Hatchitt.
Bounds.	Hill.
Boyd.	Holder.
Bradley.	Holland.
Coltrin.	Howsley.
Coombes.	Hughes.
Cox of Lamar.	Jackson.
Cox of Limestone.	Justiss.
Cunningham.	Kayton.
Daniel.	Keller.
Davis.	Kennedy.
Dodd.	Laird.
Donnell.	Leonard.
Dowell.	Lockhart.
Duvall.	Magee.
Elliott.	Martin.
Farmer.	Mehl.
Farrar.	Moore.
Gilbert.	Munson.
Grogan.	Murphy.
Hardy.	Nicholson.

Olsen.	Terrell
O'Quinn.	of Val Verde.
Patterson.	Towery.
Ratliff.	Van Zandt.
Reader.	Vaughan.
Satterwhite.	Veatch.
Smith of Bastrop.	Wagstaff.
Sparkman.	Weinert.
Stephens.	West of Coryell.
Strong.	Wiggs.
Sullivant.	Wyatt.
Terrell of Cherokee.	

Absent.

Brice.	Lasseter.
Brooks.	Long.
Burns	McGill.
of McCulloch.	Mathis.
Burns of Walker.	Metcalfe.
DeWolfe.	Pope.
Dunlap.	Ramsey.
Dwyer.	Ray.
Ferguson.	Richardson.
Greathouse.	Sanders.
Hefley.	Shelton.
Hines.	Stevenson.
Hubbard.	Westbrook.
Jones of Atascosa.	

Absent—Excused.

Adkins. West of Cameron.
Morse.

Question then recurring on the motion by Mr. Satterwhite, it prevailed, and the House accordingly, at 5:55 o'clock p. m., took recess to 9 o'clock a. m. tomorrow.

APPENDIX.

STANDING COMMITTEE REPORTS.

The following committees have filed favorable reports on bills, as follows:

Appropriations: House bill No. 309.

Constitutional Amendments: House joint resolutions Nos. 33 and 45.

The following committees have filed adverse reports on bills, as follows:

Constitutional Amendments: House joint resolutions 16, 35 and 36.

Insurance: House bills Nos. 622, 832 and 950.

THIRTY-SEVENTH DAY.

(Continued.)

(Wednesday, April 1, 1931.)

The House met at 9 o'clock a. m., and was called to order by Speaker Minor.

HOUSE BILL NO. 335 ON PAS- SAGE TO ENGROSSMENT.

The Speaker laid before the House, as unfinished business, on its passage to engrossment,

H. B. No. 335, A bill to be entitled "An Act to amend Chapter 314, General Laws of the State of Texas, Forty-first Legislature, Regular Session, as amended at the Second Called Session thereof, so as to further regulate motor carriers transporting property over the public highways, etc., and declaring an emergency."

The bill having heretofore been read second time.

Mr. Gilbert offered the following amendment to the bill:

Amend House bill No. 335, in lines 21 and 22, Section 18, on page 17, by striking out "within thirty days after this act takes effect" and insert in lieu thereof the words "as soon as the same are received."

The amendment was adopted.

Mr. DeWolfe offered the following amendment to the bill:

Amend House bill No. 335, page 7, by striking out all after the period in line 22 and all line 23 on said page 7.

DeWOLFE,
BOYD.

The amendment was adopted.

Mr. Stevenson offered the following amendment to the bill:

Amend House bill No. 335, page 6, Section 5, lines 20 and 21, by striking out the words beginning with the word "just" and ending with the word "more."

The amendment was adopted.

Mr. Stevenson offered the following amendment to the bill:

Amend House bill No. 335, page 4, Section 4, by striking out all of subsection (b) and renumbering the other subsections accordingly.

The amendment was adopted.

Mr. Barron offered the following amendment to the bill:

Amend House bill No. 335, Section 6, subsection (c), by striking out the words beginning with "except" in line 7 and continuing down to and including the word "hearing" in middle of line 10.

The amendment was adopted.

Mr. Farmer offered the following amendment to the bill:

Amend House bill No. 335 by striking out the word "sixteen" wherever

it appears in Section 6c on page 9 and insert therefor the word "eight."

Mr. Petsch offered the following amendment to the amendment:

Amend the amendment by changing the word "eight" to "twelve."

The amendment to the amendment was adopted.

The amendment as amended was then adopted.

Mr. Hanson offered the following amendment to the bill:

Amend House bill No. 335 by adding Section (e) under committee amendment No. 8, "that this act shall not apply to farm products within a radius of 400 miles of place where produced."

Mr. Petsch raised a point of order on further consideration of the amendment on the ground that the amendment is not constitutional.

The Speaker sustained the point of order.

Mr. Howsley offered the following amendment to the bill:

Amend House bill No. 335 by striking out all of the first paragraph of subsection (e) under Section 4, on page 5.

The amendment was lost.

Mr. Beck offered the following amendment to the bill:

Amend House bill No. 335 by striking out Section 6b, page 8.

The amendment was lost.

Mr. Howsley offered the following amendment to the bill:

Amend House bill No. 335, subsection (b) in Section 14 on page 13 by striking out the following words in lines 38 and 39: "any district court of Travis county, Texas, or."

HOWSLEY,
GREATHOUSE.

The amendment was adopted.

Mr. Howsley offered the following amendment to the bill:

Amend House bill No. 335, page 13, by striking out of subsection (a), in Section 14, in line 30, the following words, "In Travis county, Texas, or."

HOWSLEY,
GREATHOUSE.

The amendment was adopted.

Mr. Anderson offered the following amendment to the bill:

Amend House bill No. 335 by adding after Section 6c the following new section:

"Section 6d. All trucks coming under the provisions of this act shall be painted white."

The amendment was lost.

Mr. Duvall offered the following amendments to the bill:

(1)

Amend House bill No. 335, Section 6a, lines 17 and 18, page 7, by striking out "without notice or hearing and" and inserting the word "and" after the word "hearing" in line 18.

(2)

Amend House bill No. 335, Section 4, subsection (d), page 5, line 11, by striking out the words "without notice or hearing" and inserting in lieu thereof "after notice and hearing."

The amendments were severally adopted.

Mr. Donnell offered the following amendment to the bill:

Amend House bill No. 335, on page 8, by erasing all that part of line 10, beginning with the word "until" and by erasing all of lines 11, 12, 13, 14, and the first two words of line 15, and substituting the following: "Such service may be shown a public convenience, and necessity requires such operation."

On motion of Mr. Stevenson, the amendment was tabled.

Mr. Lockhart offered the following amendment to the bill:

Amend House bill No. 335, by striking out the words "or any party in interest," in line 6, page 14.

The amendment was lost.

Mr. Howsley offered the following amendment to the bill:

Amend House bill No. 335, page 5, subsection (f) of Section 4, by adding after the word "public" in line 29, the following:

"Provided, that no order shall be entered by the Commission restricting the weight, size or speed of motor carriers other than as specifically provided by law."

The amendment was adopted.

Mr. Pope offered the following amendment to the bill:

Amend House bill No. 335, by Murphy and others, by striking out all of the bill contained beneath the enacting clause, and insert in lieu thereof the following:

Section 1. Declaration of Policy. The business of operating as a motor

carrier of property for hire along the highways of this State is declared to be a business affected with the public interest. The rapid increase of motor carrier traffic, and the fact that under existing law many motor trucks are not effectively regulated, have increased the damages and hazards on public highways and make it imperative that more stringent regulation should be employed, to the end that the highways may be rendered safer for the use of the general public; that the wear of such highways may be reduced; that discrimination in rates charged may be eliminated; that congestion of traffic on the highways may be minimized; that the use of the highways for the transportation of property for hire may be restricted to the extent required by the necessity of the general public, and that the various transportation agencies of the State may be adjusted, correlated so that public highways may serve the best interest of the general public.

Sec. 2. Definition of Terms: (a) The term "Commission" when used in this act, denotes the Railroad Commission of the State of Texas.

(b) The term "Highway Commission" when used in this act, denotes the Board of Highway Commissioners of the State of Texas.

(c) The term "person" when used in this act, denotes an individual, firm, company, co-partnership, corporation, association, joint stock association, or trustee or receiver appointed by any court whatsoever.

(d) The term "public highway" when used in this act, denotes every public road, highway, street or thoroughfare of any kind in this State used by the public.

(e) The term "certificate" when used in this act, means a certificate of public convenience and public necessity issued under this act.

(f) The term "motor carrier" when used in this act, denotes every person, as heretofore defined, who owns, controls, manages, operates, or causes to be operated, any motor propelled vehicle used in the business of transporting property for hire over any public highway in this State, where in the course of such transportation a highway is traversed between two or more incorporated towns or cities.

Provided, however, this act shall not be construed as applying to motor vehicles used exclusively in transporting agricultural, horticultural,

dairy, live stock or other farm products from the point of production to market when such motor vehicles is owned or operated by the owner of such products, nor shall it apply in any case where the operator of such vehicle transports his or its own property; provided, that such ownership shall be in good faith and not as a means of evading the terms of this act, and it is hereby made the duty of the Commission to determine such question.

Sec. 3. The Commission is hereby vested with power and authority to regulate the operation and business of any person engaged in the business of a motor carrier, as that term has heretofore been defined, and to do any and all things, whether herein specifically mentioned or not, necessary to enforce the provisions of this act; to forbid and prevent operations and acts in violation of this law and the rules and regulations promulgated by the Commission under such law. Provided, that nothing in this act shall be construed as limiting or depriving cities and towns from exercising any of the powers granted them by Chapter 147, pages 307 to 318, inclusive, of the General Laws of the State of Texas, passed by the Thirty-third Legislature, or any amendments thereto.

Sec. 4. (a) No motor carrier shall hereafter operate for compensation or hire along the public highways of this State without first having obtained from the Commission, under the provisions of this act, a certificate declaring that the public convenience and necessity require such operation; provided, however, the Commission shall, without application or hearing, when this act goes into effect, issue to all motor carriers then operating lawfully under permanent certificates of public convenience and necessity heretofore issued to them, certificates in lieu of the certificate issued under the terms of the former law, and provided that any person now lawfully operating as a Class B motor carrier in this State who may desire to continue in the business of a motor carrier, shall file an application for a certificate under the terms of this act within thirty days from the effective date hereof, and it shall be the duty of the Commission to hear and determine said applications forthwith; and such applicants may, subject to the provisions of this act and to the orders, rules, rates and regulations

of the Commission, continue to operate as motor carriers pending the determination by the Commission of such applications.

Provided, the Commissioner shall not have authority to raise any proposed rate of any Class B motor carrier to meet a higher rate of any railroad carrier or have authority to refuse to lower any rate of any railroad carrier upon its application to meet the rate fixed by the Class B motor carrier.

Provided further, that the Commission shall, without application and hearing, when this act goes into effect, issue to those persons then lawfully engaged in the business of transporting household goods, oil field equipment, or live stock or farm or dairy products, under valid permits, special and limited certificates covering such operations.

Provided, however, that those persons who receive such special certificates shall file with the Commission the rates charged and shall come under the same regulation as provided for the holders of certificates regularly issued under the terms of this act. Provided, the Commission shall not have any authority to decline to issue a permit to any Class B motor carrier operating within a radius of 200 miles of any deep water port, or market for agricultural, horticultural, dairy, live stock or other farm products.

(b) The Commission is hereby vested with power and authority and it is hereby made its duty to require that each driver of a motor propelled vehicle owned or operated by a motor carrier under the provisions of this act shall have a driver's license, which license shall be issued by the Commission pursuant to an examination testing the ability and fitness of the applicant and under such rules and regulations as the Commission may prescribe; provided, that every driver aforesaid shall require a driver's license within thirty days after this act takes effect and shall annually thereafter on or before the anniversary of the date of the original license acquire a renewal thereof. Such license issued shall be for a term of one year. The Commission is empowered further to issue temporary licenses, in case of emergency, for such term as the Commission may deem expedient; provided, such term shall not exceed ten days and there shall be no right or privilege of removal thereof. The

Commission is hereby authorized to collect a fee of one dollar (\$1.00) for each annual license issued or renewed. The Commission may suspend or revoke any such license for cause after notice and public hearing. It shall be unlawful for any motor carrier to operate a motor propelled vehicle in this State unless such vehicle is operated by a driver holding an unrevoked and uncanceled license issued by the Commission.

Sec. 5. It is hereby declared that when existing motor carrier transportation facilities along any highway in this State do not provide service adequate for the public, then such inadequacy of service may be considered as creating a condition wherein the public convenience and necessity require the designation of and the provision for additional service on such highway, and it shall be the duty of the Commission, upon application, to issue certificate or certificates as herein provided, if the issuance of such certificates will promote the public welfare.

Sec. 6. (a) The Commission is hereby vested with power and authority and it is hereby made its duty to supervise and regulate the service rendered by motor carriers operating over the public highways of this State, to fix or approve the maximum or minimum or maximum and minimum rates or charges of such motor carriers and to prescribe rules and regulations necessary for the regulation of such motor carriers; to prescribe, whenever necessary and practicable, the routes, schedules, service, territory to be served and safety of operations of each such motor carrier; to require the filing of such reports and other data by such motor carriers as the Commission may deem necessary; to supervise and regulate such motor carriers in all other matters affecting the relationship between such motor carriers and the shipping public as may be necessary for carrying out the intent and purpose of this act, whether such regulations are specifically mentioned herein or not.

(b) The Commission is further authorized and empowered and it shall be its duty to supervise and regulate motor carriers in all matters whether specifically mentioned herein or not so as to carefully preserve, foster, and regulate transportation and to relieve the existing and all future un-

due burdens on the highways arising by reason of the use of the highways by motor carrier, adjusting and administering its regulations in the interests of the public.

(c) The Commission in prescribing and adopting rules and regulations and in forming its conclusions and in prescribing its orders shall invite the Highway Commission's opinion on the condition of the public highways involved and the ability of said highways to carry the existing and proposed additional traffic and the Commission shall give due and proper consideration to the orders, regulations, ordinances, or recommendations of the Highway Commission of Texas; provided, however, nothing herein contained shall be deemed to restrict the powers of the Highway Commission under existing laws. The Commission shall also give due and proper consideration to the recommendations of the commissioners courts of the several counties and to the recommendations of the local government of any municipality through or between which motor carriers operate.

Sec. 7. (a) The Commission is vested with power and authority, and it is hereby made its duty, upon the filing of an application for a certificate, to ascertain and determine, under such rules and regulations as it may promulgate, after considering existing motor carrier transportation facilities and the demand for and need of additional service, whether there exists a public necessity for such service and if the public convenience will be promoted by granting such application and permitting the operation of the applying motor carrier on the highways or in the territory designated in such application. The Commission shall also ascertain and determine if the highways covered by application are of such type or construction, or in such state of repair, as to permit the use sought by the applicant without unreasonable interference with the use of such highways by the general public; and, if the Commission shall determine after hearing that the service rendered by existing motor carrier transportation facilities or agencies is reasonably adequate or that the public convenience will not be promoted by granting such application, or that such highway or highways are not in such state of repair as to permit the use thereof sought by the applicant with-

out unreasonable interference with the use of such highways by the general public, then in either of any such events said application shall be denied and said certificates refused; otherwise, the application shall be granted and certificate issued upon such terms and conditions, restrictions and limitations as the Commission may impose. Where the operation is to be over a fixed route, the Commission shall, in said certificate, fix and define said route and designate the highways covered by such operation.

(b) In determining whether a certificate shall issue, the Commission shall give weight and regard to: (a) probable permanence and the quality of service offered by the applicant, (b) the financial ability and responsibility of the applicant and the responsibility and experience of its organization and personnel, (c) the character and condition of vehicles and the character and location of terminal facilities proposed to be used, where the use of such terminals is required, and (d) the experience of the applicant in the transportation of property and the character of the insurance proposed to be given to insure protection of the public.

(c) The Commission shall have the power and authority, upon application, notice and hearing, to grant temporary certificates to meet emergencies, and shall have the power to make special rules and regulations to meet special conditions in different localities, such temporary certificates to be granted for such time and upon such terms and conditions as may be necessary to meet the public emergency.

(d) Any certificate held, owned or obtained under the provisions of this act may be sold, assigned, leased, transferred or inherited; provided, however, that any proposed sale, assignment, lease or transfer shall be first presented in writing to the Commission for its approval or disapproval, and the Commission may disapprove such sale, assignment, lease or transfer if it be determined by the Commission that such proposed sale, assignment, lease or transfer is not made in good faith, or that the proposed purchaser, assignee, lessee or transferee is not capable or financially able to continue the service exacted under the certificate proposed to be sold, in such manner as to render the service demanded by the pub-

lic; the Commission, in approving or disapproving any sale, assignment, lease or transfer may take into consideration all of the requirements and qualifications of a regular applicant mentioned in this section and apply the same as necessary qualifications of any proposed purchaser, assignee, lessee or transferee. Provided, that any certificate obtained by any motor carrier or by any assignee or transferee shall be taken and held subject to the right of the State at any time to limit, restrict or forbid the use of the public highways of this State to any owner or holder of such certificates.

Sec. 8. No application for a certificate shall be considered unless it be in writing and set forth substantially the following:

(a) It shall contain the name and address of the applicant, and the names and addresses of its officers, if any, and shall give full information concerning the financial condition and physical properties of the applicant.

(b) The complete route or routes of territory over which the applicant desires to operate, together with a description of each vehicle which the applicant intends to use.

(c) Where the applicant proposes to operate over a fixed route between fixed terminals, the application shall show substantially the frequency of service to be inaugurated, and in those cases where the proposed operation will not be confined to designated highways, then the application shall set forth the extent of the territory to be served, and in all cases the application shall set forth, wherever practicable, the rates to be charged, said rates to be subject to the approval and control of the Commission.

(d) The application shall be accompanied by a plat or map showing the route or routes over which the applicant intends to operate, on which plat or map shall be delineated the line or lines of any existing motor carrier operating over the highways serving such territory, with the names and addresses of the owner or owners thereof; such application shall set forth in detail the inadequacy of existing transportation facilities, and shall specify wherein additional facilities are required, and the applicant is capable of furnishing such additional facilities and service, and the burden shall be upon the appli-

cant to show wherein such needed additional facilities will be furnished by the granting of such application.

Sec. 9. Upon the filing of said application, the Commission shall fix a time and place of hearing, and the place of hearing shall be in the city of Austin unless otherwise ordered by the Commission. Notice of the filing of said application and the time and place of hearing shall be given by mail not less than ten days, exclusive of the day of mailing, before such hearing, addressed to the owner or owners of existing motor carrier transportation facilities serving such territory, as well as to the Highway Commission of the State of Texas, and where the application is confined to specific highways, to the county judge of the county or counties and to the mayor of each incorporated city or town through which such carrier seeks to operate.

Sec. 10. (a) The hearing on an application shall be conducted under such rules and regulations as the Commission may prescribe, and the parties interested, including the Highway Commission of this State, may appear either in person or by counsel and present such evidence and argument as they may desire and as the Commission may deem pertinent, in favor of or against the granting of such application. It shall be the duty of the Highway Commission, upon the request of the Commission, to furnish information relating to the highway or highways designated in such application, as well as such other information as the Commissioner may deem pertinent to the hearing. After hearing and such investigation as the Commission may make, it shall be the duty of the Commission to grant or refuse the application, and in any contested hearing, the Commission shall, along with its order, file a concise written opinion setting forth the facts and grounds for its action, and such opinion shall be admissible as evidence on any appeal taken therefrom; upon the request of any party at interest in a contested hearing of any nature, the proceedings shall be taken down and reported by a reporter under the direction of the Commission.

(b) The Commission, at any time after hearing had, upon notice to the holder of any certificate and after opportunity given such holder to be heard, may by its order, revoke, suspend or amend any certificate issued

under the provisions of this act, where in such hearing the Commission shall find that such certificate holder has discontinued operation or has violated, refused or neglected to observe the Commission's lawful orders, rules, rates or regulations or has violated the terms of said certificate; provided, that the holder of such certificate shall have the right of appeal as provided in this act.

Section 11. (a) Before any certificate may be issued to any motor carrier, and before any motor carrier may lawfully operate under such certificate, such motor carrier shall file with the Commission bonds and/or insurance policies issued by some solvent insurance company, including mutuals and reciprocals or bonding company authorized by law to transact business in Texas, in an amount to be fixed by the Commission under such rules and regulations as it may prescribe, which bonds and/or insurance policies shall provide that the obligor therein will pay to the extent of the face amount of such bonds and/or insurance policies all judgments which may be recovered against the motor carrier so filing said insurance policies and/or bonds, based on claims for loss or damages from personal injury or loss of or injury to property occurring during the term of the said bonds and/or policies and arising out of the actual operation of such motor carrier, and such bonds and/or policies shall also provide for successive recoveries to the complete exhaustion of the face amount thereof, and that such judgments will be paid by the obligor in said bonds and/or insurance policies, irrespective of the solvency or insolvency of the motor carrier; provided, however, such bonds and/or insurance policies shall not cover personal injuries sustained by the servants, agents or employes of such motor carrier. Each such motor carrier shall, on or before the date of the expiration of the term of any policy or bond so filed by him, file a renewal thereof, or new bonds or policies containing the same terms and obligations of the preceding bonds and/or policies and shall each year thereafter on or before the expiration date of the existing bonds and/or policies file such renewal policies and/or bonds so as to provide continuous and unbroken protection to the public having legal claims against such motor carrier, and in the event such renewal bonds and/or policies are not filed, the certificate of such

motor carrier shall automatically expire and cease to exist.

(b) Each motor carrier shall also protect his employes by taking out workman's compensation insurance, either as provided by the Workman's Compensation Laws of the State of Texas or in a reliable insurance company authorized to write workman's compensation approved by the Commission.

Sec. 12. The Commission shall have the power and authority under this act to hear and determine all applications of motor carriers; to determine complaints presented to it by such carrier, by any public official, or by any citizen having an interest in the subject-matter pertaining to motor carriers upon its own motion. The Commission, or any member thereof, or authorized representative of the Commission, shall have power to compel the attendance of witnesses, swear witnesses, take their testimony under oath, make record thereof, and if such record is made under the direction of a Commissioner, or authorized representative of the Commission, a majority of the Commission may, upon the record, render judgment as if the case had been heard before a majority of the members of the Commission. The Commission shall have the power and authority under this act to do and perform all necessary things to carry out the purpose, intent and provisions of this act, whether herein specifically mentioned or not, and to that end may hold hearings at any place in Texas which it may designate.

Sec. 13. Every witness shall be summoned to appear before the Commission, or a Commissioner or authorized representative, outside the county of his residence, shall receive for his attendance the same per diem and fees as now provided for witnesses in attendance in district courts of this State in criminal cases; such fees and mileage shall be ordered paid upon proper voucher, sworn to by such witness and approved by the Commission, or the chairman thereof, out of the moneys or funds arising under this act; provided, that no witness shall be entitled to any witness fees or mileage who is directly or indirectly interested in any motor carrier involved or concerning which the investigation or hearing on account of which he is called, shall relate, and no witness furnished with

free transportation shall receive pay for the distance he may have traveled on such free transportation. All process issued by the Commission for summoning witnesses or other purposes shall be directed to the sheriff or any constable of any county in this State, and any sheriff or constable of any county in this State shall promptly execute any subpoenas or other document directed to him by the Commission and shall receive such fees for this service as is now paid for like services in the district courts of this State, such payment to be made on accounts properly verified and approved by the Commission, or the chairman thereof, out of the fund provided in this act. Provided, that any motor carrier at interest in any hearing may submit to the Commission the names and addresses of witnesses which he or it desires to use in such hearing, and it shall be the duty of the Commission to summon such witnesses.

Sec. 14. (a) Every officer, agent, servant or employe of any corporation and every other person who violates or fails to comply with or procures, aids, or abets in the violation of any provision of this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed two hundred dollars (\$200), and the violations occurring on each day shall each constitute a separate offense.

(b) Any officer, agent, servant, or employee of any motor carrier as hereinbefore defined, and any motor carrier as hereinbefore defined, who violates or fails to obey, observe or comply with any order, decision, rule, or regulation, direction, demand or requirement of the Commission, shall be subject to and shall pay a penalty not exceeding five hundred dollars (\$500), for each and every day of such violation. Such penalty to be recovered in any court of competent jurisdiction in the county in which the violation occurs. Suit for such penalty or penalties shall be instituted and conducted by the Attorney General of the State of Texas, or by the county or district attorney in the county in which the violation occurs, in the name of the State of Texas, and by direction of the Railroad Commission of Texas.

(c) Upon the violation of any provision of this act, or upon the violation of any rule, regulation, order, rate, or decree of the Commission

promulgated under the terms of this act, any district court of any county where such violation occurs shall have the power to restrain and enjoin the person, firm or corporation so offending, from further violating the provisions of this act, and/or the rules, regulations, orders, rates, and decrees of the Commission. Such injunctive relief may be granted upon the application of the Commission or upon the application of any person authorized by it to act. Such relief may be granted in suits for penalties as provided in Subdivision (b) of this section, but a suit for penalty shall not be a condition precedent to the injunctive relief provided by this subdivision.

(d) It is hereby made a special duty of the Commission to rigidly enforce and cause to be enforced the provisions of this act and to prevent violations thereof. In order to accomplish such enforcement, the Commission shall immediately appoint such inspectors as may be necessary to efficiently, promptly and effectively enforce the provisions of this act, and it shall be the duty of such inspectors and they shall have the power and authority to make arrests for any violation of this act and to file complaints thereon, but the authority of such inspectors to make arrests shall be confined solely to violations of this act; and it shall be the duty of all judges, district and county attorneys and peace officers of the counties and municipalities of this State to assist and co-operate in the effective enforcement of this act; provided, that any member of the Commission or any agent, inspector, or employee thereof shall have the authority at any time to inspect the books, records, bills of lading or any other record of any motor carrier operating in this State.

(e) The Commission is hereby vested with power and authority and it is hereby made its duty to require all motor carriers to keep a set of accounts strictly in accordance with such classification of accounts and rules in respect thereto as may be established by the Commission and to file monthly reports and such other data as the Commission may deem necessary, which said accounts shall show, among other things, the amounts of money which the motor carrier becomes entitled to receive and does receive from transportation and other operations incident thereto and which shall also show the weight,

rates, and freight of each shipment in detail, and the point at which each shipment was picked up and the destination where the shipment was delivered and which said accounts shall be open to the inspection of the Commission or its representatives at all times.

Sec. 15. (a) For the purpose of defraying the expense of administering this act, every motor carrier now operating or which shall hereafter operate shall annually, between September first and September fifteenth of each calendar year, pay a special fee of sixteen dollars (\$16) for each motor propelled vehicle operated or to be operated by such motor carrier. If the certificate herein referred to is issued after the month of September of any year, the fees paid shall be prorated to the remaining portion of the year ending August thirty-first following, but in no case be less than one-fourth of the annual fee. In case of emergency or unusual temporary demands for transportation, the fee for additional motor propelled vehicles for less periods shall be fixed by the Commission in such reasonable amounts as may be prescribed by general rule or temporary order. Every application for certificate shall be accompanied by a filing fee in the sum of twenty dollars (\$20), which fee shall be in addition to other fees and taxes and shall be retained by the Commission whether the certificate of convenience and necessity be granted or not.

(b) Every application filed with the Commission for an order approving the lease, sale, or transfer of any certificate shall be accompanied by a filing fee in the sum of twenty-five dollars (\$25), which fee shall be in addition to the other fees and taxes and shall be retained by the Commission whether or not the lease, sale or transfer of the certificate is approved.

All fees accruing under the terms of this act and all fines and penalties collected under the provisions of this act shall be payable to the State Treasurer at Austin, and shall be credited to a fund to be known and designated as the Motor Carrier Fund, which fund is hereby appropriated for the purpose of carrying out the terms of this act, and out of which all warrants and expenditures necessary in administering and enforcing this act shall be paid. This appropriation shall be made specific in the general appropriation bill.

Sec. 16. It shall be unlawful for any motor carrier to operate any motor carrier vehicle or combination of vehicles within this State unless there shall be displayed upon the front and rear of such vehicle or combination of vehicles an identification plate to be furnished by the Commission, which plates shall be designed so as to identify the vehicles as being authorized to operate under the terms of this law. Such plates shall bear the number given the vehicle by the Commission, and such other marks of identification as may be necessary. These identification plates shall be in addition to the regular license plates required by law; these plates shall be displayed on each motor carrier vehicle operating in this State within sixty days after this act takes effect, and such plates shall be issued annually thereafter and attached to each motor carrier vehicle not later than September first of each year. The Commission shall be authorized to collect from the applicant a fee of one dollar (\$1.00) for each plate issued, and such fees shall be deposited along with other fees in the State Treasury to the credit of the Motor Carrier Fund.

Sec. 17. (a) The Commission shall prescribe an identification card which must be displayed within the cab of each motor vehicle setting out the certificate number, and the route or territory over which the vehicle is authorized to operate, giving the name and address of the owner of said certificate. It shall be unlawful for the owner of said certificate, his agent, servant, or employee, or any other person to use or display said identification card after said certificate has been cancelled or disposed of. The identification card provided for herein may be in such form and contain such information as required by the Railroad Commission.

(b) It shall be unlawful for any owner of a certificate, his agent, servant, or employee to display upon any motor vehicle the certificate number or other insignia of authority from the Railroad Commission after said certificate has expired or has been cancelled.

(c) It shall be unlawful for any motor carrier, or the owner of a certificate, or his agents, servant, or employee, directly or indirectly, to offer, permit, or to give any person directly or indirectly, any commission or other consideration to induce such person to deliver to such motor car-

rier or certificate owner property to be transported; and it likewise shall be unlawful for any shipper or consignee to receive from such motor carrier or certificate owner any such commission or consideration as an inducement to secure the transportation of any such property. Any person violating any of the provisions of this section shall be guilty of a misdemeanor and shall, upon conviction, be punished by a fine not to exceed \$200, and each such transaction shall constitute a separate offense.

Sec. 18. Any motor carrier, his agent, servant, or employee who directly or indirectly gives to any shipper any rebate, or any shipper, his agent, servant or employee who directly or indirectly receives any rebate, shall be guilty of a misdemeanor and shall be punished by a fine not to exceed two hundred dollars (\$200) for each offense, in any court of competent jurisdiction in this State. It being the intention of this act that motor carrier shall in every instance collect and receive, and the shipper shall pay, only the rate or fee prescribed or approved by the Commission.

Sec. 20. It shall be unlawful hereafter for any railroad company, railroad transport company or railroad holding company operating in this State to own, control or operate any motor truck carriers for the purpose of transporting any freight or passengers for compensation or hire as common carriers, and it shall be unlawful for any such company or companies to own any stock or financial interest in any such motor truck or motor bus carrier; provided, however, that any such railroad company, railroad transport company or railroad holding company shall have two (2) years from the effective date herein within which to dispose of all trucks, busses, franchises, and all other equipment and all other property owned in connection therewith. Provided further, that at any time before the expiration thereof, if upon application and hearing it be made to appear to said Commission that said property can not be disposed of at its reasonable market value, then, and in that event, an extension may be granted by the Commission within which to sell the same; and provided further, that not more than two (2) extensions of not more than three months each shall be granted to any one railroad company.

Sec. 21. (a) The Commission shall have power to employ and appoint from time to time such experts, assistants, and other help, in addition to its present force, as may be deemed necessary to enable it at all times to properly administer and enforce this act. Such persons and employees of the Commission shall be paid for the service rendered such sums as may be fixed and prescribed by the Commission in monthly installments, and such salaries, wages and all fees that may be paid to witnesses and officers shall be paid out of the Motor Carrier Fund by the State Treasurer on warrants of the Comptroller of Public Accounts on order or voucher approved by the Commission or the chairman thereof. All actual and necessary traveling expenses of the members of the Commission and employees shall also be paid out of said fund in the same manner as salaries, wages, and fees, when such accounts shall have been itemized and sworn to by the Commission or employee incurring the expenses and approved by the Commission or the chairman thereof.

(b) If the total amount of fees collected under the provisions of this act shall not be sufficient during any annual period to pay such salaries, costs, charges, fees, and expenses, then the deficit shall be paid by the State Treasurer out of any fund not otherwise appropriated. Until sufficient funds have accrued to said Motor Carrier Fund for the payment of expenses, fees, etc., as provided herein, said expenses shall be paid by the State Treasurer out of any funds not otherwise appropriated, such sum to be paid out of the general revenue not to exceed the sum of five thousand dollars (\$5000), and said sum is hereby appropriated. Any surplus remaining in the Motor Carrier Fund at the end of any fiscal year, after paying all such salaries, accounts, fees, and charges, and after deducting such amounts as may be contracted to be paid and incurred and such sums as may be reasonably estimated by the Commission for its use pending further collection of fees, shall be paid over to the general revenue fund.

Sec. 22. If any motor carrier or other party at interest be dissatisfied with any decision, rate, charge, rule, order, act or regulation adopted by the Commission, such dissatisfied person, association, corporation, or party,

after failing to get relief from the Commission, may file a petition setting forth the particular objection to such decision, rate, charge, rule, order, act, or regulations or to either or all of them, in the district court in Travis county, Texas, against said Commission as defendant. Said action shall have precedence over all other causes on the docket of a different nature and shall be tried and determined as other civil causes in said court. Either party to said action may appeal to the appellate court having jurisdiction of said cause and said action so appealed shall have precedence in said appellate court over all causes of a different character therein pending; provided, that if the court be in session at the time such right of action accrues, the suit may be filed during such term and stand ready for trial after ten days' notice. In all trials under this section the burden of proof shall rest upon plaintiffs, who must show by the preponderance of evidence that the decisions, rates, regulations, rules, orders, classifications, acts, or charges complained of are unreasonable and unjust to it or them. The Commission shall not be required to give any appeal bond in any cause arising hereunder and no injunction shall be granted against any order of the Commission without hearing, unless it shall clearly appear that irreparable injury will be done the complaining party if the injunction is not granted.

Sec. 23. Whenever notice is required in this act to be given ten days, exclusive of the day of service and return, shall be considered as reasonable notice; provided, that in case of emergency the Commission may hear any cause or complaint on less than ten days' notice.

Sec. 24. The State Board of Control is hereby authorized and directed to set aside such additional office space in the Capitol at Austin as may be deemed necessary by the Commission for the proper performance of its added duties as herein defined.

Sec. 25. Any certificate of public convenience and necessity shall be cancelled by the Commission if the owner or owners thereof shall in any manner avoid, fail or refuse to pay any gasoline or other tax imposed by law on such business.

Sec. 26. Chapter 314, Acts Regular Session of the Forty-first Legisla-

ture, 1929, and all subsequent amendments thereto, are hereby repealed, as well as all laws and parts of law in conflict herewith; provided, however, that nothing in this act shall be considered as giving legislative sanction to any act that would violate the provisions of the Anti-Trust Laws of Texas.

Sec. 27. If any section, subsection, sentence, clause or phrase of this act is held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this act; and provided further, that if this act or any part hereof is declared to be invalid as applied to any class of operators or persons, such invalidity shall not affect the validity of this act or any part thereof as applied to other operators or persons.

Sec. 28. Emergency. The fact that at this time, under existing law, great numbers of motor carrier vehicles are inadequately regulated, and the fact that the safety of the traveling public is endangered by such inadequately regulated carriers, and the further fact that there is an urgent need for greater protection for the public highways of Texas, creates an emergency and a public necessity requiring the suspension of the constitutional rule which requires all bills to be read in each house on three several days, and that such rule be, and the same is hereby, suspended and that this act shall take effect and be in force from and after its passage, and it is so enacted.

(Mr. Hardy in the chair.)

BILLS ORDERED NOT PRINTED.

(By Unanimous Consent.)

On motion of Mr. Bedford, House bill No. 996 was ordered not printed.

On motion of Mr. Hines, House bill No. 985 was ordered not printed.

On motion of Mr. Reader, House bill No. 999 was ordered not printed.

On motion of Mr. Sanders, House bill No. 309 was ordered not printed.

On motion of Mr. Terrell of Val Verde, House bill No. 856 was ordered not printed.

NOTICE GIVEN.

Mr. Burns of McCulloch gave notice that he would, on tomorrow, move to take up, for consideration at that time, House bill No. 625, which bill had heretofore been laid on the table subject to call.

RELATIVE TO HOUSE BILL NO. 628.

On motion of Mr. Stephens, the name of Mr. Farrar was added to House bill No. 628 as one of the signers thereof.

EXTENDING PRIVILEGES OF THE FLOOR.

Mr. Olsen asked unanimous consent of the House to extend the privileges of the floor to certain citizens of his district who are now at the bar of the House.

There was no objection offered, and it was so ordered.

RECESS.

On motion of Mr. Anderson, the House, at 12 o'clock m., took recess to 2 o'clock p. m. today.

AFTERNOON SESSION.

The House met at 2 o'clock p. m., and was called to order by the Speaker.

HOUSE BILL NO. 335 ON PASSAGE TO ENGROSSMENT.

The House resumed consideration of pending business, same being House bill No. 335, relative to regulating motor vehicles used for transporting supplies, etc., on its passage to engrossment, the bill having heretofore been read second time, with amendment by Mr. Pope, pending.

Mr. Daniel moved that further consideration of the bill be postponed until 11:30 o'clock a. m. next Friday.

Mr. Murphy moved the previous question on the pending amendment, motion to postpone, and the bill, and the main question was ordered.

Question first recurring on the motion by Mr. Daniel, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—21.

Beck.	Lasseter.
Burns of Walker.	Lockhart.
Cox of Lamar.	Olsen.
Cox of Limestone.	Pope.
Daniel.	Reader.
Donnell.	Rogers.
Engelhard.	Scott.
Farmer.	Tarwater.
Greathouse.	Terrell
Hanson.	of Cherokee.
Hoskins.	Westbrook.

Nays—115.

Adams of Harris.	Hughes.
Adams of Jasper.	Jackson.
Adamson.	Johnson
Adkins.	of Dimmit.
Akin.	Johnson of Morris.
Albritton.	Jones of Atascosa.
Alsup.	Justiss.
Anderson.	Kayton.
Baker.	Kennedy.
Barron.	Laird.
Bedford.	Lee.
Bond.	Lemens.
Bounds.	Leonard.
Boyd.	Lilley.
Bradley.	McCombs.
Brice.	McDougald.
Brooks.	McGill.
Bryant.	McGregor.
Burns	Magee.
of McCulloch.	Martin.
Carpenter.	Metcalf.
Caven.	Moffett.
Claunch.	Moore.
Coltrin.	Munson.
Coombes.	Murphy.
Cunningham.	Nicholson.
Dale.	O'Quinn.
Davis.	Patterson.
DeWolfe.	Petsch.
Dodd.	Ramsey.
Dowell.	Ratliff.
Dunlap.	Richardson.
Duvall.	Rountree.
Elliott.	Sanders.
Farrar.	Satterwhite.
Fisher.	Savage.
Forbes.	Shelton.
Ford.	Smith of Bastrop.
Fuchs.	Smith of Wood.
Gilbert.	Sparkman.
Giles.	Stephens.
Goodman.	Stevenson.
Graves.	Steward.
Grogan.	Strong.
Hardy.	Sullivant.
Harman.	Terrell of Val Verde.
Harrison	Towery.
of El Paso.	Turner.
Harrison	Van Zandt.
of Waller.	Vaughan.
Hatchitt.	Veatch.
Hefley.	Wagstaff.
Herzik.	Walker.
Hill.	Warwick.
Hines.	Weinert.
Holder.	West of Coryell.
Holland.	Wiggs.
Holloway.	Wyatt.
Howsley.	Young.
Hubbard.	

Absent.

Dwyer.	Johnson
Ferguson.	of Dallam.
Finn.	Jones of Shelby.

Keller.	Mehl.
Long.	Ray.
Mathis.	Sherrill.

Absent—Excused.

Morse.	West of Cameron.
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Question then recurring on the substitute amendment by Mr. Pope, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—25.

Beck.	Laird.
Burns of Walker.	Lasseter.
Coltrin.	Lockhart.
Cox of Lamar.	Olsen.
Daniel.	Pope.
Donnell.	Reader.
Engelhard.	Richardson.
Farmer.	Scott.
Hanson.	Tarwater.
Hardy.	Terrell
Hatchitt.	of Cherokee.
Holland.	Walker.
Hoskins.	Westbrook.

Nays—107.

Adams of Harris.	Ford.
Adams of Jasper.	Fuchs.
Adamson.	Gilbert.
Adkins.	Giles.
Akin.	Goodman.
Albritton.	Graves.
Alsup.	Greathouse.
Anderson.	Grogan.
Baker.	Harrison
Barron.	of El Paso.
Bedford.	Harrison
Bond.	of Waller.
Bounds.	Hefley.
Boyd.	Herzik.
Bradley.	Hill.
Brice.	Hines.
Brooks.	Holder.
Bryant.	Holloway.
Burns	Howsley.
of McCulloch.	Hubbard.
Carpenter.	Hughes.
Caven.	Jackson.
Claunch.	Johnson
Coombes.	of Dimmit.
Cox of Limestone.	Johnson of Morris.
Cunningham.	Jones of Atascosa.
Dale.	Jones of Shelby.
Davis.	Justiss.
DeWolfe.	Kayton.
Dodd.	Kennedy.
Dowell.	Lee.
Dunlap.	Lemens.
Duvall.	Leonard.
Elliott.	Lilley.
Fisher.	McCombs.
Forbes.	McDougald.

McGill.	Smith of Bastrop.
McGregor.	Smith of Wood.
Magee.	Sparkman.
Martin.	Stephens.
Metcalfe.	Stevenson.
Moffett.	Steward.
Moore.	Strong.
Munson.	Sullivant.
Murphy.	Terrell
O'Quinn.	of Val Verde.
Patterson.	Towery.
Petsch.	Turner.
Ramsey.	Van Zandt.
Ratliff.	Vaughan.
Rogers.	Veatch.
Rountree.	Wagstaff.
Sanders.	Warwick.
Satterwhite.	West of Coryell.
Savage.	Wyatt.
Shelton.	Young.

Present—Not Voting.

Ray.

Absent.

Dwyer.	Long.
Farrar.	Mathis.
Ferguson.	Mehl.
Finn.	Nicholson.
Harman.	Sherrill.
Johnson	Weinert.
of Dallam.	Wiggs.
Keller.	

Absent—Excused.

Morse. West of Cameron.

Reasons for Vote.

I voted "no" on Pope amendment because it attempts to say by law who may own an interest in trucks or busses, which I think would be class legislation and render the bill unconstitutional.

DALE.

By unanimous consent, the caption of the bill was ordered amended to conform to all changes made in the body of the bill.

House bill No. 335 was then passed to engrossment.

HOUSE BILL NO. 335 ON THIRD READING.

Mr. Stevenson moved that the constitutional rule requiring bills to be read on three several days be suspended and that House bill No. 335 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—116.

Adams of Harris.	Adamson.
Adams of Jasper.	Adkins.

Akin.	Johnson
Alsup.	of Dimmit.
Baker.	Johnson of Morris.
Barron.	Jones of Atascosa.
Bedford.	Jones of Shelby.
Bounds.	Justiss.
Boyd.	Kayton.
Bradley.	Keller.
Brice.	Kennedy.
Brooks.	Laird.
Bryant.	Lee.
Burns	Lemens.
of McCulloch.	Leonard.
Burns of Walker.	Lilley.
Carpenter.	McGill.
Caven.	McGregor.
Claunch.	Magee.
Coombes.	Martin.
Cox of Limestone.	Metcalfe.
Cunningham.	Moffett.
Dale.	Moore.
Davis.	Munson.
DeWolfe.	Murphy.
Dodd.	O'Quinn.
Donnell.	Patterson.
Dowell.	Petsch.
Dunlap.	Ramsey.
Duvall.	Ratliff.
Elliott.	Ray.
Fisher.	Reader.
Forbes.	Rogers.
Ford.	Rountree.
Fuchs.	Sanders.
Gilbert.	Satterwhite.
Giles.	Savage.
Goodman.	Shelton.
Graves.	Smith of Bastrop.
Greathouse.	Smith of Wood.
Grogan.	Sparkman.
Hardy.	Stephens.
Harman.	Stevenson.
Harrison	Steward.
of El Paso.	Strong.
Harrison	Sullivant.
of Waller.	Terrell
Hatchitt.	of Val Verde.
Hefley.	Towery.
Herzik.	Turner.
Hill.	Van Zandt.
Hines.	Vaughan.
Holder.	Veatch.
Holland.	Wagstaff.
Holloway.	Walker.
Howsley.	Warwick.
Hubbard.	Weinert.
Hughes.	Westbrook.
Jackson.	Wiggs.
Johnson	Wyatt.
of Dallam.	Young.

Nays—20.

Anderson.	Engelhard.
Beck.	Farmer.
Coltrin.	Hanson.
Cox of Lamar.	Hoskins.
Daniel.	Lasseter.

Lockhart.	Scott.
McCombs.	Tarwater.
McDougald.	Terrell
Olsen.	of Cherokee.
Pope.	West of Coryell.
Richardson.	

Absent.

Albritton.	Long.
Bond.	Mathis.
Dwyer.	Mehl.
Farrar.	Nicholson.
Ferguson.	Sherrill.
Finn.	

Absent—Excused.

Morse. West of Cameron.

The Speaker then laid House bill No. 335 before the House, on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—121.

Adams of Harris.	Goodman.
Adams of Jasper.	Graves.
Adamson.	Greathouse.
Adkins.	Grogan.
Akin.	Hanson.
Albritton.	Hardy.
Alsup.	Harman.
Anderson.	Harrison
Baker.	of El Paso.
Barron.	Harrison
Bedford.	of Waller.
Bond.	Hatchitt.
Bounds.	Hefley.
Boyd.	Herzik.
Bradley.	Hill.
Brice.	Hines.
Brooks.	Holder.
Bryant.	Holland.
Burns	Holloway.
of McCulloch.	Hubbard.
Carpenter.	Hughes.
Caven.	Jackson.
Claunch.	Johnson
Coombes.	of Dallam.
Cox of Limestone.	Johnson
Cunningham.	of Dimmit.
Davis.	Johnson of Morris.
De Wolfe.	Jones of Atascosa.
Dodd.	Jones of Shelby.
Donnell.	Justiss.
Dowell.	Kayton.
Dunlap.	Keller.
Duvall.	Kennedy.
Elliott.	Laird.
Farrar.	Lasseter.
Fisher.	Lee.
Forbes.	Lemens.
Ford.	Leonard.
Fuchs.	Lilley.
Gilbert.	McCombs.
Giles.	McGill.

McGregor.	Stephens.
Magee.	Stevenson.
Martin.	Steward.
Metcalfe.	Strong.
Moffett.	Sullivant.
Moore.	Terrell
Munson.	of Val Verde.
Murphy.	Towery.
O'Quinn.	Turner.
Patterson.	Van Zandt.
Petsch.	Vaughan.
Ramsey.	Veatch.
Ratliff.	Wagstaff.
Ray.	Walker.
Rountree.	Warwick.
Sanders.	Weinert.
Satterwhite.	West of Cameron.
Savage.	West of Coryell.
Scott.	Westbrook.
Shelton.	Wiggs.
Smith of Bastrop.	Wyatt.
Smith of Wood.	Young.
Sparkman.	

Nays—18.

Beck.	Lockhart.
Burns of Walker.	McDougald.
Cox of Lamar.	Olsen.
Coltrin.	Pope.
Dale.	Richardson.
Daniel.	Rogers.
Engelhard.	Tarwater.
Farmer.	Terrell
Hoskins.	of Cherokee.
Howsley.	

Absent.

Dwyer.	Mehl.
Ferguson.	Nicholson.
Finn.	Reader.
Long.	Sherrill.
Mathis.	

Absent—Excused.

Morse.

Reasons for Vote.

While I believe motor trucks and busses ought to be regulated, I do not believe they ought to be put out of business. I, therefore, vote "no."

McDOUGALD.

I voted "no" on House bill No. 335 because it has been amended in such way as to destroy its purpose, and for the further reason that House bill No. 336, which reduces the size and limits the carrying capacity, will provide highways and public with desired relief.

DALE.

HOUSE BILL NO. 336 ON SECOND READING.

On motion of Mr. Murphy, the regular order of business was sus-

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pended to take up and have placed on its second reading and passage to engrossment.

H. B. No. 336, A bill to be entitled "An Act to amend Chapter 42, General Laws of the State of Texas, Forty-first Legislature, Second Called Session, so as to further regulate the operation of vehicles on the public highways, etc., and declaring an emergency."

The Speaker laid the bill before the House, and it was read second time.

Mr. Murphy offered the following (committee) amendment to the bill:

Amend House bill No. 336 by adding after the last word in Section 2 the following: "provided, the Department shall have, and is hereby granted, authority to grant permits limited to the shortest practicable haul over State highways for the operation of super-heavy and over-size equipment for the transportation of such commodities as cannot be reasonably dismantled in accordance with the provisions of Chapter 41 of the General Laws of the Second Called Session of the Forty-first Legislature; provided further, that special agents of the Department shall have authority to issue such permits only for the counties for which they are designated by the Department; and provided further, that the commissioners courts, through the county judge, of the several counties of the State, shall have and are hereby granted authority to grant such permits over the highways of their respective counties other than State highways; said commissioners courts, in their discretion, may require a bond to be executed by an applicant in such amount as will guarantee the payment of any damages which any road or bridge traversed or crossed may sustain in consequence of the transportation aforesaid."

Mr. Howsley offered the following amendment to the amendment:

Amend committee amendment No. 1 to House bill No. 336, by adding after the word "Department" in line 37, the following: "Provided further, that the county judges of the respective counties acting under the direction of the State Highway Department of Texas, may issue such permits over State highways for a distance of not exceeding 150 miles."

The amendment was adopted.

Mr. Murphy offered the following amendment to the amendment:

Amend committee amendment No. 1 to House bill No. 336, by striking out from word "dismantled" in line 32, page 6, and to and including the word "Department" in line 37, page 6.

The amendment was adopted.

The (committee) amendment as amended was then adopted.

Mr. Murphy offered the following (committee) amendment to the bill:

Amend House bill No. 336, by striking out of Section 4 all of said section from and including the word "provided" and to and including the word "highways."

The amendment was adopted.

Mr. Murphy offered the following amendment to the bill:

Amend House bill No. 336, by striking out all of Section 5 from and including the word "provided" to and including the word "highways."

The amendment was adopted.

Mr. Anderson offered the following amendment to the bill:

Amend House bill No. 336, by adding after the word "sunrise" on line 3, page 5, the following: "Not later than six months after this act becomes effective, every truck coming within its provision shall be painted white, and the owner of such truck must maintain such color thereafter."

Mr. Keller offered the following amendment to the amendment:

Amend amendment by providing that each driver must wear white hood and sheet.

On motion of Mr. Anderson, the amendment to the amendment was tabled.

(Mr. Satterwhite in the chair.)

Mr. McGregor offered the following amendment to the amendment:

Amend the amendment by inserting after the word "provisions" the words "operating for hire."

The amendment to the amendment was adopted.

Question then recurring on the amendment by Mr. Anderson as amended, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—15.

Adams of Harris.	Harrison
Anderson.	of El Paso.
Dale.	Kayton.
Dwyer.	McCombs.
Engelhard.	McGregor.

Martin.
Murphy.
Ray.

Rogers.
Van Zandt.
Wagstaff.

Nays—88.

Adams of Jasper.	Hubbard.
Adamson.	Hughes.
Adkins.	Jackson.
Akin.	Johnson
Albritton.	of Dimmit.
Alsup.	Johnson of Morris.
Baker.	Jones of Atascosa.
Barron.	Jones of Shelby.
Bond.	Justiss.
Bounds.	Kennedy.
Boyd.	Laird.
Bradley.	Lee.
Brice.	Lemens.
Bryant.	Leonard.
Burns of Walker.	Lilley.
Carpenter.	Lockhart.
Caven.	McDougald.
Claunch.	McGill.
Coombes.	Magee.
Cox of Lamar.	Moffett.
Cox of Limestone.	Moore.
Cunningham.	Munson.
Dodd.	O'Quinn.
Donnell.	Patterson.
Duvall.	Ratliff.
Farmer.	Richardson.
Farrar.	Sherrill.
Forbes.	Smith of Bastrop.
Ford.	Smith of Wood.
Fuchs.	Sparkman.
Gilbert.	Stevenson.
Giles.	Steward.
Goodman.	Strong.
Graves.	Sullivant.
Greathouse.	Tarwater.
Grogan.	Towery.
Hardy.	Turner.
Harman.	Vaughan.
Harrison	Veatch.
of Waller.	Walker.
Hill.	Warwick.
Hines.	Weinert.
Holloway.	West of Coryell.
Hoskins.	Westbrook.
Howsley.	Wyatt.

Present—Not Voting.

Hanson.

Scott.

Absent.

Beck.	Dunlap.
Bedford.	Elliott.
Brooks.	Ferguson.
Burns	Finn.
of McCulloch.	Fisher.
Coltrin.	Hatchitt.
Daniel.	Hefley.
Davis.	Herzik.
DeWolfe.	Holder.
Dowell.	Holland.

Johnson
of Dallam.
Keller.
Lasseter.
Long.
Mathis.
Mehl.
Metcalf.
Nicholson.
Olsen.
Petsch.
Pope.
Ramsey.

Reader.
Rountree.
Sanders.
Satterwhite.
Savage.
Shelton.
Stephens.
Terrell
of Cherokee.
Terrell
of Val Verde.
Wiggs.
Young.

Absent—Excused.

Morse.

West of Cameron.

Mr. Petsch offered the following amendment to the bill:

Amend Section 5, page 3, of House bill No. 336 by adding after the word "vehicle," line 35, page 3, the following: "provided further, that any contract carrier and/or individual who confines his service and operation exclusively to a distance of seventy-five (75) miles or less and to transporting commodities exclusively between the place of origin or production and to the point of concentration, gin, shipping point or a common carrier, mill, finishing plant or market within such distance, and to hauling commodities from the common carrier depots to the destination of such goods for such distance, or to transporting for a distance of seventy-five (75) miles or less of any machinery or equipment used for the actual carrying on of any business within this State, upon such contract carrier and/or individual owner having filed with the Railroad Commission an affidavit setting forth such intention upon forms prescribed by the Commission, and being in possession of evidence certifying the filing of such affidavit, shall be authorized to carry 12,000 pounds upon any such truck or trailer, or combination, of six wheels or more, and complying with the length and height requirements herein set out; and provided further, that in all cases of hauling well casings, telephone and telegraph poles, logs to be used for special purposes, and all other similar commodities, where the length of the truck and/or trailer must of necessity conform to the length of the articles, the length of the truck and/or trailer may be fifty (50) feet."

PETSCH,
STEVENSON,
HARDY,
HOWSLEY.

Question—Shall the amendment be adopted?

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, April 1, 1931.
Hon. Fred H. Minor, Speaker of the
House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 26, A bill to be entitled "An Act amending Article 4276 of the Revised Civil Statutes of the State of Texas, permitting a life insurance company to own an office building located on leased ground, and declaring an emergency."

H. C. R. No. 47, Recalling from the Governor, House bill No. 725.

Respectfully,

BOB BARKER,
Secretary of the Senate.

BILL RECOMMITTED.

Mr. McCombs asked unanimous consent of the House to have House bill No. 950 recommitted to the Committee on Insurance.

There was no objection offered, and it was so ordered.

RECALLING HOUSE BILL NO. 725 FROM THE GOVERNOR.

Mr. Pope offered the following resolution:

H. C. R. No. 47, Recalling House bill No. 725 from Governor.

Whereas, The House has finally passed House bill No. 725; and

Whereas, The Senate has finally passed House bill No. 725, and it is now in the hands of the Governor; and

Whereas, It is the desire of the House to give this bill further consideration; therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the Governor is hereby requested to return House bill No. 725 to the House for further consideration.

The resolution was read second time, and was adopted.

RECESS.

On motion of Mr. Vaughan, the House, at 5:15 o'clock p. m., took recess to 9 o'clock a. m. tomorrow.

APPENDIX.

STANDING COMMITTEE REPORTS.

The following committees have filed favorable reports on bills, as follows:

State Affairs: House bills Nos. 996 and 999.

Municipal and Private Corporations: Senate bill No. 380; House bill No. 991.

Public Health: Senate bill No. 215.

Education: House bills Nos. 856 and 985.

The Committee on Appropriations filed an adverse report on House bill No. 569.

The Judiciary Committee filed an adverse report on House bill No. 852.

The Committee on Appropriations filed an adverse report, with a minority favorable report, on House bills Nos. 838 and 539.

In Memory
of
Mr. John Eaves

Mr. Turner offered the following resolution:

Whereas, Our beloved friend, Mr. John Eaves, Assistant Sergeant-at-Arms of the House of Representatives of the Forty-second Legislature, and also of the last Session, was suddenly and unexpectedly claimed by death last night as the result of a stroke of paralysis; and

Whereas, His patriotic and unselfish service in this body is well known and appreciated by the membership; and

Whereas, His loss will be deeply felt by the members; therefore, be it

Resolved, by the House of Representatives, That it receives the sad news of his death with deep sorrow and extends to the bereaved family of Mr. Eaves its heartfelt sympathy in this overwhelming loss; and be it further

Resolved, That an appropriate floral offering be made, and a copy of this resolution be mailed to Mr. Eaves' family.

Signed—Turner, Gilbert.

Mr. Bounds asked unanimous consent of the House to have the names of all the members added to the resolution as signers thereof.

There was no objection offered, and it was so ordered.

Signed—Mr. Speaker, Adams of Harris, Adams of Jasper, Adamson, Adkins, Akin, Alsup, Albritton, Anderson, Baker, Barron, Beck, Bedford, Bond, Bounds, Boyd, Bradley, Brice, Brooks, Bryant, Burns of Walker, Burns of McCulloch, Carpenter, Caven, Claunch, Coltrin, Coombes, Cox of Lamar, Cox of Limestone, Cunningham, Dale, Daniel, Davis, DeWolfe, Dodd, Donnell, Dowell, Dunlap, Duvall, Dwyer, Elliott, Engelhard, Farmer, Farrar, Ferguson, Finn, Fisher, Forbes, Ford, Fuchs, Giles, Goodman, Graves, Greathouse, Grogan, Hatchitt, Hanson, Hardy, Harman, Harrison of El Paso, Harrison of Waller, Hefley, Herzik, Hill, Hines, Holder, Holland, Holloway, Hoskins, Howsley, Hubbard, Hughes, Jackson, Jones of Shelby, Jones of Atascosa, Johnson of Dallam, Johnson of Dimmit, Johnson of Morris, Justiss, Kayton, Keller, Kennedy, Laird, Lasseter, Lee, Lemens, Leonard, Lilley, Lockhart, Long, McCombs, McDougald, Magee, McGill, McGregor, Martin, Mathis, Mehl, Metcalfe, Moffett, Moore, Morse, Munson, Murphy, Nicholson, Olsen, O'Quinn, Patterson, Petsch, Pope, Ramsey, Ratliff, Ray, Reader, Richardson, Rogers, Rountree, Sanders, Satterwhite, Savage, Scott, Shelton, Sherrill, Smith of Bastrop, Smith of Wood, Sparkman, Stephens, Stevenson, Steward, Strong, Sullivant, Tarwater, Terrell of Cherokee, Terrell of Val Verde, Towery, Van Zandt, Vaughan, Veatch, Wagstaff, Walker, Warwick, Weinert, West of Coryell, West of Cameron, Westbrook, Wiggs, Wyatt, Young.

The resolution was read second time, and was adopted by a rising vote.